

~~CONFIDENTIAL~~

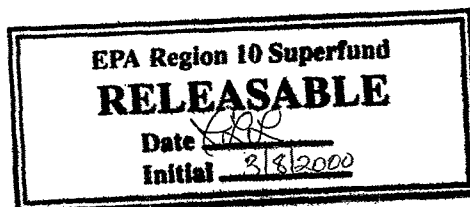
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DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE COMPLIANCE BY )  
ITT Rayonier, Inc. )  
with Chapter 70.94 RCW and the )  
Rules and Regulations of the )  
Department of Ecology )

ORDER  
No. DE 91-AQ1069

To: ITT Rayonier, Inc.  
700 North Ennis  
Port Angeles, Washington 98362



RCW 70.94.332 reads in part: Whenever the Department has reason to believe that any provision of this chapter or any rule or regulation adopted thereunder relating to the control or prevention of air pollution has been violated it may cause written notice to be served upon the alleged violator or violators and may include an order that necessary corrective action be taken within a reasonable time. The department personnel have observed opacity violations at the Hog Fuel Boiler on June 25, June 28, and July 2, 1991.

In view of the foregoing and in accordance with the provisions of RCW 70.94.332:

IT IS ORDERED that ITT Rayonier, Inc, Port Angeles Division, (PAD), shall, upon receipt of this Order, take appropriate action in accordance with the following instructions:

Investigate the operation of the hog fuel boiler in terms of steam demand verses the design steam production, the use of alternative fuels, that is, wood pellets or other sources of drier hog fuel, salt content of hog fuel, and/or a combination of these items or other solutions. Within forty-five (45) days of the issuance of this Order, ITT Rayonier, Port Angeles Division shall submit the results of this study, describe the necessary corrective action to comply with the opacity standard and submit a schedule of compliance to the Department of Ecology.

Any person feeling aggrieved by this Order may obtain review thereof by application, within 30 days of receipt of this Order to the Washington Pollution Control Hearings Board, Mail Stop PY-21, Olympia, Washington 98504-8921. Concurrently, a copy of the application must be sent to the Department of Ecology, Mail Stop PV-11, Olympia, Washington 98504-8711. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rule and regulations adopted thereunder.

DATED at Olympia, Washington

JUL 19 1991

Richard A. Burkhalter, P. E.  
Supervisor, Industrial Section

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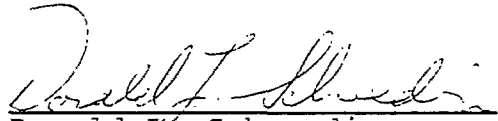
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VERIFICATION

I am the regional counsel for ITT Rayonier Incorporated. I have read the Notice of Appeal and believe the contents to be true.

DATED this 20th day of August, 1991.

By:



Donald L. Schwendiman  
Regional Counsel Northwest



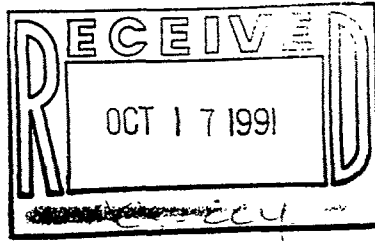
7th FLOOR HIGHWAYS-LICENSES BLDG., ● PB-71, ● OLYMPIA WA 98504-8071

M E M O R A N D U M

- (1) Staff contact person: \_\_\_\_\_ Phone: \_\_\_\_\_
- (2) Relevant documents are attached: \_\_\_\_\_
- (3) Agency's position (including settlement posture)  
in this case:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- (4) Other: \_\_\_\_\_

## Attachments

**ITT**



**ITT Rayonier Inc.**

*Seattle Office*

Donald L. Schwendiman  
Regional Counsel  
Assistant Secretary

October 15, 1991

Douglas F. Mosich  
Assistant Attorney General  
Department of Ecology  
Mail Stop: QA-44  
Olympia, WA 98504

Re: PCHB No. 91-200 - Stipulation and Agreed Order

Dear Doug:

Enclosed please find a Stipulation and Agreed Order settling the above-referenced case before the PCHB which I have executed on behalf of ITT Rayonier. Would you please have the Stipulation executed on behalf of the Department of Ecology; submit the Stipulation and Agreed Order to the Board for signature; and return to me a copy of the Stipulation and Agreed Order as fully executed by the Board.

Very truly yours,

  
Donald L. Schwendiman  
Regional Counsel Northwest

/jkb  
encl.

18000 International Boulevard, Suite #900, SeaTac, WA 98188-4283  
Mailing Address: P.O. Box 34162, Seattle, WA 98124-1162  
Telephone (206) 246-3400 FAX (206) 248-4117

PROCEEDINGS BEFORE THE WASHINGTON STATE  
POLLUTION CONTROL HEARINGS BOARD

ITT RAYONIER INCORPORATED,	)	
	)	
Appellant,	)	No. 91-200
	)	
vs.	)	
	)	STIPULATION AND
WASHINGTON STATE DEPARTMENT OF	)	AGREED ORDER
ECOLOGY,	)	
	)	
Respondent.	)	

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The parties, ITT Rayonier Incorporated (Rayonier), appellant, by and through its regional counsel Donald L. Schwendiman, and the State of Washington Department of Ecology (Ecology), respondent, by and through its attorney Douglas F. Mosich, assistant attorney general, hereby enter into the following stipulation.

STIPULATION

A. On July 22, 1991 Ecology delivered to Rayonier Order No. DE 91-AQI069. The Order directs Rayonier to investigate the operation of its hogged fuel boiler and provide certain reports and information to Ecology.

B. On August 21, 1991, Rayonier filed a Notice of Appeal appealing the Order on the grounds that it was

DONALD L. SCHWENDIMAN  
P.O. Box 34162  
Seattle, Washington 98124  
(206) 246-3400

impossible to comply with the requirements and the time frames of the Order and that the Order was based upon an invalid Notice of Penalty. Ecology and Rayonier wish to resolve their dispute and to avoid the cost, expense, and delay that would result from litigating this matter.

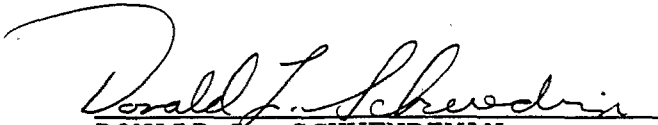
C. Accordingly, the parties hereby stipulate and agree as follows:

1. Rayonier agrees to implement a study plan to (a) determine if any of certain measured variables display a causal relationship with visible emissions from the hogged fuel boiler; (b) if necessary, develop a set of operational parameters to minimize visible emissions from the hogged fuel boiler; (c) develop procedures for evaluating a plume; and (d) if necessary, develop operational procedures to return the hogged fuel plume emission that appears out of visual compliance back into compliance. This study plan is set out in more detail in a letter which Rayonier submitted to Ecology dated September 6, 1991 and the attachments thereto.

2. Ecology agrees to and hereby withdraws Order No. DE 91-AQI069 with prejudice. This agreement constitutes full and final settlement of any and all disputes arising out of that Order and fully sets forth all obligations of each party arising thereunder.

RESPECTFULLY SUBMITTED this 15<sup>th</sup> day of October, 1991.

ITT RAYONIER INCORPORATED



DONALD L. SCHWENDIMAN  
Assistant Secretary

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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RICHARD A. BURKHALTER  
Supervisor Industrial Section

ORDER

WHEREFORE, IT IS HEREBY ORDERED that in recognition of the settlement agreement between the parties contained in the foregoing Stipulation PCHB NO. 91-200 is hereby dismissed with prejudice.

DATED this \_\_\_\_ day of October, 1991.

POLLUTION CONTROL HEARINGS BOARD

\_\_\_\_\_  
JUDITH A. BENDOR, Chair


\_\_\_\_\_  
HAROLD S. ZIMMERMAN, Member

\_\_\_\_\_  
ANNETTE S. MCGEE, Member

Stipulation Agreed to  
and Presented by:

\_\_\_\_\_  
Douglas F. Mosich  
Assistant Attorney General  
State of Washington  
Department of Ecology

Stipulation Agreed to as  
of Form of Order and Notice  
of Presentment Waived:

  
\_\_\_\_\_  
Donald L. Schwendiman  
Regional Counsel  
ITT Rayonier Incorporated

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